

## **SETTLEMENT AGREEMENT**

**THIS Agreement** made this the 13th day of October, 2003, by and between Red Smith Auto Sales, a licensee under the Motor Vehicle Sales Finance Law (Miss. Code Ann. 63-19-1 *et seq.*) (hereinafter referred to as ““Licensee””) and the Mississippi Department of Banking and Consumer Finance (hereinafter referred to as “DBCF”).

**WHEREAS**, on September 16, 2003, examiners employed by DBCF conducted an examination of Licensee’s business located at Jackson, Mississippi; and,

**WHEREAS**, said examiners during the course of their examination found violations of the Motor Vehicle Sales Finance Law, same being more particularly described in a written Report of Examination prepared by said examiners and furnished to Licensee; and,

**WHEREAS**, Licensee has decided that he/she/it does not desire to contest the findings and violations noted in the aforesaid Report of Examination and does not desire to request a public hearing on the matters contained in said Report of Examination, and instead desires to fully and finally settle this matter with DBCF without a public hearing on the terms and conditions set forth herein; and,

**WHEREAS**, Licensee understands that this Settlement Agreement has the same force and effect as an Order of the DBCF entered after a public hearing on the matters contained in the Report of Examination, that this Settlement Agreement is a public record, and that this Settlement Agreement and the civil money penalties imposed and refunds required herein will be published on the website maintained by DBCF wherein the official acts and orders of DBCF are posted;

**NOW THEREFORE, PREMISES CONSIDERED,** Licensee hereby agrees (1) to pay a civil money penalty in the total amount of \$2,000.00 to DBCF, and (2) to make refunds to each of the customers listed in the said Report of Examination in the separate amounts listed in said Report, as well as any additional refunds determined due from your internal review of current and paid contracts not reviewed during the examination for a total sum of \$2,759.51 in refunds. Licensee hereby agrees to pay the said civil money penalty to DBCF in three (3) monthly installments beginning October 10, 2003, and ending December 10, 2003, and make the said refunds to customers and provide written evidence of said refunds to be furnished to DBCF on or before the 10<sup>th</sup> day of November, 2003.

**THIS**, the 13th day of October 2003.

Red Smith Auto Sales

By: \_\_\_\_\_  
Red Smith

DEPARTMENT OF BANKING  
AND CONSUMER FINANCE

By: \_\_\_\_\_  
JOHN S. ALLISON, Commissioner